

Remarks

Claims 1, 3-4, 6-13, 15-16 and 18-24 are pending in the application.

Claims 1, 3-4, 6-13, 15-16 and 18-24 are rejected.

Claims 1, 13 and 24 are amended.

Reconsideration and allowance of claims 1, 3-4, 6-13, 15-16 and 18-24 is respectfully requested in view of the following:

Responses to Rejections to Claims – 35 U.S.C. §102

Claims 1, 3-4, 6-13, 15-16 and 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Massie et al (U.S. Patent No. 6,144,115) (Massie hereinafter). This rejection is not applicable to the amended claims.

The USPTO provides MPEP §2131 that: "To anticipate a claim, the reference must teach every element of the claim."

Therefore, to support these rejections with respect to the claims, the claims must contain all of the above-claimed elements. However, this patent does not disclose all the elements of any rejected claim.

Claim 1 includes, in part, "a first diode coupled in series with the first battery, the switching circuit, and the system board, wherein the first diode is located between the switching circuit and the system board, and wherein the first diode prevents reverse flow current from the second battery to the first battery while the second battery is supplying power to the system board; a second diode coupled in series with the second battery, the switching circuit, and the system board, wherein the second diode is located between the switching circuit and the system board, and wherein the second diode prevents reverse flow current from the first battery to the second battery while the first battery is supplying power to the system board." Massie fails to teach these elements.

The Office Action asserts that Power Supply A corresponds to the first battery, Power Supply B corresponds to the second battery, Controller C corresponds to the switching circuit, and LOAD LD corresponds to the system board. As can be seen at Fig. 1 of Massie, Massie does not teach a first diode that is coupled in series with the Power Supply A, the Controller C, and the LOAD LD, wherein the first diode is located between the Controller C and the LOAD LD, and wherein the first diode prevents reverse flow current from the Power Supply B to the Power Supply A. Similarly, it can also be seen at Fig. 1 of Massie, that Massie does not teach a second diode that is coupled in series with the Power Supply B, the Controller C, and the LOAD LD, wherein the second diode is located between the Controller C and the LOAD LD, and

wherein the second diode prevents reverse flow current from the Power Supply A to the Power Supply B. Accordingly, Massie fails to teach a first diode coupled in series with the first battery, the switching circuit, and the system board, wherein the first diode is located between the switching circuit and the system board, and wherein the first diode prevents reverse flow current from the second battery to the first battery while the second battery is supplying power to the system board; a second diode coupled in series with the second battery, the switching circuit, and the system board, wherein the second diode is located between the switching circuit and the system board, and wherein the second diode prevents reverse flow current from the first battery to the second battery while the first battery is supplying power to the system board. As such, Massie fails to teach each element of independent claim 1, and claim 1 is submitted to be allowable over the prior art of record.

Independent claims 13 and 24 are submitted to be allowable for similar reasons as those described for representative claim 1. As a result, the previous rejections based on 35 U.S.C. 102(b) cannot be supported by Massie as applied to claims 1, 13 and 24, and to those that depend therefrom.

Responses to Rejections to Claims – 35 U.S.C. §103

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massie. This rejection is not applicable to the claim.

As the PTO recognizes in MPEP §2142:

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

The USPTO clearly cannot establish a *prima facie* case of obviousness in connection with the amended claims for the following reasons:

35 U.S.C. §103(a) provides that:

[a] patent may not be obtained...if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.... (emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, the references, alone, or in any combination, do not teach all the limitations.

As described above, Massie fails to teach all limitations of claim 1, from which claim 12 depends. Accordingly, claim 12 is deemed to be allowable for similar reasons as those described above for claim 1.

Therefore, it is impossible to render the subject matter of the claims as a whole obvious based on a single reference or any combination of the references, and the above explicit terms of the statute cannot be met. As a result, the USPTO's burden of factually supporting a *prima facie* case of obviousness clearly cannot be met with respect to the claims, and a rejection under 35 U.S.C. §103(a) is not applicable.

Therefore, independent claims 1, 13 and 24, and their respective dependent claims are submitted to be allowable.

In view of all of the above, the allowance of claims 1, 3-4, 6-13, 15-16 and 18-24 is respectfully requested.

The amended claims are supported by the original application.

The Examiner is invited to call the undersigned at the below-listed telephone number if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,


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